Notice of Agency Rule-making Proposal

AGENCY: Division of Licensing and Regulatory Services, Department of Health and Human Services

CHAPTER NUMBER AND TITLE:

(NEW) 10-144 C.M.R. Ch 122, Rules Governing the Maine Medical Use of Marijuana Program

PROPOSED RULE NUMBER (leave blank; assigned by Secretary of State):

CONTACT PERSON FOR THIS FILING:

Catherine M. Cobb, Director, Division of Licensing and Regulatory Services
41 Anthony Ave, 11 State House Station, Augusta, Maine 04333
(207) 287-2979 (800) 791-4080 fax: (207) 287-5807 catherine.cobb@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): same

PUBLIC HEARING (if any): Monday, June 7, 2010, at 1:00 pm, in the Health and Human Services Committee Room 209 of the Cross Office Building, next to the State House, in Augusta.

COMMENT DEADLINE: June 17, 2010 at 5 pm.

BRIEF *SUMMARY: In November 2009, voters approved an initiated bill that changed Maine's medical use of marijuana laws. The initiated bill replaces the informal system that protected patients who grew and used marijuana for medical conditions. The Governor signed Public Law 2009, Chapter 631 (Emergency Preamble) on April 9, 2010, in which additional changes to the law were enacted by the 124th Legislature. These proposed rules implement the Maine Medical Use of Marijuana Program (MMMP) and include the following: (1) provisions to transition patients and caregivers to a registry identification card system for the continued medical use of marijuana under the new law; (2) criteria for selecting 8 dispensaries in the first year; (3) the process to secure department-issued registry identification cards for patients, primary caregivers, staff of hospice providers and nursing facilities and employees, board members and principal officers of dispensaries; (4) conditions for which the medical use of marijuana is authorized; (5) dispensary requirements; and (6) program oversight. The proposed rule is posted at http://www.maine.gov/dhhs/dlrs/rulemaking/proposed.shtml Call (207) 287-5005 to have a paper copy of the rule mailed to you.

Economic impact. These rules will not impose any administrative cost on any existing small businesses. These rules will apply to dispensaries to be established pursuant to a certificate of registration. The fees within these rules are established in statute. These rules will not impose any cost on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S.A. Chapter 558-C, Maine Medical Marijuana Act; Public Law 2009, Chapter 631; 22 M.R.S.A. § 42, and 22-A M.R.S.A. §205.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): same

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Marina.thibeau@maine.gov

x The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT DATE:

(Catherine M. Cobb, Director, Division of Licensing and Regulatory Services)

FUND AGENCY ORG APP JOB OBJT AMOUNT 014 10A 6760 Z11801 4946

^{*} Check one of the following two boxes.

□ The above summary is for use in both the newspaper and website notices.

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DETAILED BASIS STATEMENT / SUMMARY:

In November 2009, voters approved an initiated bill that changed Maine's medical use of marijuana laws. The initiated bill replaces the informal system that protected patients who grew and used marijuana for medical conditions. The Governor signed Public Law 2009, Chapter 631 (Emergency Preamble) on April 9, 2010, in which additional changes to the law were approved by the 124th Legislature. These proposed rules implement the Maine Medical Use of Marijuana Program (MMMP) as established by these statutes.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: These proposed rules establish the Maine Medical Use of Marijuana Program and include the following operational provisions:

- Provisions to transition patients and caregivers to a registry identification card system for the continued medical use of marijuana under the new law.
- Criteria for selecting 8 dispensaries in the first year.
- The process to secure department-issued registry identification cards for patients, primary caregivers, staff of hospice providers and nursing facilities and employees, board members and principal officers of dispensaries.
- Conditions for which the medical use of marijuana is authorized.
- Authorized conduct for participating in the MMMP.
- Dispensary requirements.
- Program oversight.
- Appeal rights.